

BOARD OF SELECTMEN
APRIL 16, 2014
WORK SESSION

Members Present: David Parker, Nelson Almeida, David Andrade,
Michael Brady, Gary Sagar

Town Administrator: Shawn E. Cadime

Chairman Parker called the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30, Section 20, anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording the meeting via video and audio.

NEW BUSINESS

To Discuss Proposed Amendments to Article 4, Section 2 and Article 6 Section 6 of the Town Charter with Assessors, Board of Health, Conservation Commission and Planning

Chairman Parker advised that the Board of Assessors, Board of Health, Conservation Commission and Planning Board were invited to attend this meeting for input to the Board. The Conservation Commission will not be in attendance.

He said the Board of Selectmen recognized several years ago there was a perplexing problem in management of Town Hall. A procedure was suggested for these boards to allow the Town Administrator to have more control over Town Hall and working conditions of those four boards. Two boards had no problem with that and two of them did and asked us to check out further. There is a solution that should satisfy everybody.

The Conservation Commission, Assessors, Board of Health, and Planning Board hire their own agent. This particular Board of Selectmen has no problem with. However, once hired, the working conditions are not controlled by the Town Administrator.

This Board has been vocal in saying that needs to be fixed. They will be talking about a solution that would allow those boards to hire their own agent and allow the Town Administrator to run Town Hall. They felt they have a satisfactory solution.

Mr. Cadime distributed documents.

Mr. Brady said that he met with legal counsel. He has talked to union attorneys over the years and recently. He personally does not have a problem with the boards appointing and setting the parameters of the employee that heads the departments that answer to these boards.

There is a problem when there is a conflict between them doing their job as an employee. There is a collective bargaining agreement in place that they are in by choice that sets certain conditions that cannot be varied without agreement between the Town and the union, meaning working conditions. They are trying to resolve the potential conflict. The department head putting forth the policy of the boards.

The solution is that the same authority given to the Board of Selectmen would be given to all the boards.

Mr. Sagar disagreed and would like to offer additional information at the proper time.

Board of Assessors Chairman Paul Buckley asked what the difference is from what they are doing now.

Chairman Parker said they would still maintain the hiring but when it comes to working conditions that has to be done in conjunction with the Town Administrator.

Mr. Buckley said he has always done that.

Mr. Brady said all contracts say “with the permission of the Town Administrator” when it comes to vacation and personal days. They are trying to avoid an unfair labor practice.

Board of Health Chairman Raymond Grant said that recently the Board of Health took a study to see how they are doing. It was decided that it would be in the best interest of the public to change the health agent’s hours. It was discussed with the health agent. He talked it over with the Town Administrator. They set a start date and it moved forward. It seems like there is no change to that.

Mr. Grant said he has been on the board for about a year and a half and there has been no collaborative effort on the part of the Town Administrator.

Chairman Parker said this would change that.

Chairman of the Planning Board Neal Abelson and member Pheobe Dunn were in attendance. Mr. Abelson said he didn’t see a problem. He would bring it back to the board.

Mr. Parker felt the way it would work would be that the department head would go to the board about time off, and, if approved, the chairman would go to the Town Administrator for final approval; that would avoid having departments closed.

Chairman Parker said he researched changing the Charter. It is not going to be easy and could take up to a year. Mass. General Laws requires a 2/3 vote of the Board of Selectmen, a 2/3 vote at Town Meeting, and a vote of the people at an annual election. We could do an initiative petition from our state representative, which takes five to six months. The Town just had an annual election.

He suggested the various boards could develop a policy that employees have got to go through the Town Administrator.

Mr. Sagar said that Atty. Goldberg indicated it could be done at a special election and we could have done it in November.

Mr. Parker said that would be a state ballot which means double everything.

Mr. Grant felt it is just a matter of communication. There is no need for a special election.

The chairmen in attendance had no problem with the plan.

Mr. Sagar distributed his version. He noted that in the fall of last year Mr. Keegan, former town administrator and also a resident of Seekonk, came before the Board and talked about centralized organization. Mr. Gary Stenhouse, Interim Town Administrator, has been in the business for 40 years. He said he never saw anything like the way Seekonk organizes its government. No other town in Bristol County allows a board and/or committee to hire department heads. He contacted Mr. Stenhouse today and told him about the new proposal. He felt it was the recommendation of town counsel. Mr. Stenhouse felt nothing would be accomplished. Based on those comments and also that of Mr. Alan Gould of MRI, Mr. Sagar said the proposal would not accomplish what it supposed to.

Mr. Sagar proposed changing the Charter so that all department heads are appointed exactly the same. That is with the recommendation of the Town Administrator. There is a 15-day window that currently says the Board of Selectmen can reject or affirm the appointment.

During previous discussions there were people thinking the Board of Selectmen has too much power and others felt the Board should have more power. The Board needs to give the Town Administrator the tools to do his job.

He suggested that all department heads get hired the same way and the 15-day window can only overturn or reject a recommendation by a super majority of the Board of Selectmen. A super majority means four.

Mr. Brady said it would be different if these powers were not in the Charter.

He said appointments need to be made every three years in accordance with the Charter.

He felt it's time to call a charter commission to review our form of government. Perhaps the town should go to town manager rather than town administrator.

Mr. Almeida thanked these department heads for coming forward. He felt that everybody should answer to the Town Administrator. He suggested incorporating the super majority into this document.

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Chairman Parker felt that those in attendance agreed there was a problem and they addressed it. It will be on next week's agenda and also on the warrant for the June Town Meeting.

Mr. Cadime noted there needs to be better communication between the Town Administrator and various boards. His door is always open or a phone call.

He said the overall intent is to hire the best person for the job. The issue is the day to day operation. There might be four individuals who follow the directive of the town administrator and four who do not. That is a problem for him. He has no recourse of discipline. There is no continuity. He felt this is a move in the right direction by it is limited. He felt the super majority is a good way.

Mr. Brady said the authority for the town administrator needs to vest in Article 6. There are two issues – employee and department head.

There was a little discussion about department heads as members of the collective bargaining unit.

Mr. Sagar requested that Atty. Fair attend the next meeting for further discussion on this proposal.

Chairman Parker thanked those who attended.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To dissolve at 8:14 p.m.

The vote: Mr. Sagar – Aye; Mr. Brady- Aye; Mr. Almeida – Aye; Mr. Andrade – Aye; Chairman Parker – Aye.

Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary

